IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 687 OF 2007

Navjivan Nagari Sahakari
Pat Sanstha Maryadit ....Petitioner.

V/s

Shri Vasant Ravji Tasgaonkar ....Respondent.

Mr. N.J. Patil for the Petitioner.

CORAM: S.J. VAZIFDAR, J.
DATE : 31st January, 2007

P.C:

1. It is indeed true that the suit filed by the respondent is rather peculiar. However, having been filed, it still has to be tried.

2. The suit was returned for presentation to the appropriate Court when it was filed before the Co-operative Court. Accordingly, the respondent filed the suit in the Civil Court. It is true that, that by itself would not confer jurisdiction on the Civil Court, if it has none.

3. I, however, do not deem it necessary to interfere with the order at this stage. The petitioner is always at liberty to challenge the order from the final decree, if any. Moreover, the mere pendency of the suit

can never restrain the petitioner from executing the certificate under section 101 which the petitioner claims to have obtained in independent proceedings. The petitioner is, therefore, not prejudiced in any manner.

4. In the circumstances, Writ Petition is dismissed.